

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the present amendment and the following discussion is respectfully requested.

Claims 1-16, 24, 25, 27, and 30-32 are pending in this case. Claim 1 is amended by the present amendment. As amended Claim 1 is supported at least by the specification at page 12, lines 1-24 and page 13, line 6-15, no new matter is added.

In the outstanding Official Action, Claim 30 was rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman (U.S. Patent No. 6,453,471) in view of Marshall et al. (U.S. Patent No. 6,419,137, hereinafter “Marshall”), Arazi et al. (U.S. Patent No. 5,966,120, hereinafter “Arazi”) and Kenner et al. (U.S. Patent No. 6,269,394, hereinafter “Kenner”); Claim 31 was rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall, Arazi, and Kenner and further in view of Tokunaga et al. (U.S. Patent No. 5,968,132, hereinafter “Tokunaga”); Claims 1, 2, 6, 9-11, 13, 25, and 32 were rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall and Arazi and further in view of Tokunaga; Claim 3 was rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall, Arazi, and Tokunaga and further in view of Hölzle et al. (U.S. Patent No. 5,970,249, hereinafter “Hölzle”); Claims 4 and 5 were rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall, Arazi, and Tokunaga and further in view of Winston (U.S. Patent No. 6,434,653); Claim 7 was rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall, Arazi, and Tokunaga and further in view of Russo (U.S. Patent No. 5,619,247); Claim 8 was rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall, Arazi, and Tokunaga and further in view of Kostreski et al. (U.S. Patent No. 5,729,549, hereinafter “Kostreski”); Claims 12 and 24 were rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall, Arazi, and Tokunaga and further in view of Trovato (U.S. Patent No.

6,701,526); and Claims 14-16 were rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall, Arazi, and Tokunaga and further in view of Inoue et al. (U.S. Patent Publication No. 2002/0016963 A1, hereinafter “Inoue”).

Applicants and Applicants’ representatives thank Examiner Sheleheda for the courtesy of the interview granted to Applicants’ representatives on October 2, 2009. During the interview, the outstanding rejections were discussed, as well as proposed amendments to overcome the rejections of record. Examiner Sheleheda agreed that pending Claim 30 is allowable, and that Claim 1 as amended herein appears to overcome the rejection of record.

With regard to the rejection of Claim 30 under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall, Arazi, and Kenner, that rejection is respectfully traversed.

As noted in the response filed September 16, 2009, and as agreed to at the above-noted interview, Kenner does not describe updating digital audio/video data sets. If anything, from Kenner, the skilled person might consider extracting and storing some of the plurality sets of broadcast data service data locally at an end user and varying what data sets are stored locally at the end user according to demand. This would be a teaching away from the invention as defined in Claim 30 to periodically extract and store **all** of the plurality of sets of the broadcast data service sets.

Claim 30 recites a system which periodically extracts all of the plurality of sets of the broadcast data service data from a broadcast carousel included in the broadcast signal. The plurality of digital audio/video data sets within that carousel can be updated. The invention recited in Claim 30 defines that this is achieved according to a priority determined from demand for each set, demand being determined by transmitting to the broadcast head end an identity of each user selected set. Kenner provides no suggestion of this, particularly not in a broadcast environment.

Consequently, as the proposed combination does not teach or suggest each and every element as defined in Claim 30, and in fact the references teach away from including such features, Claim 30 (and Claim 31 dependent therefrom) is patentable over Klosterman in view of Marshall, Arazi, and Kenner.

With regard to the rejection of Claim 1 under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall, Arazi, and Tokunaga, that rejection is respectfully traversed.

Claim 1 recites in part:

a processor configured to periodically extract all of the plurality of sets of the broadcast data service data from a broadcast carousel included in the broadcast signal;  
a memory configured to store all of the current plurality of sets of the broadcast data service data; the broadcast data service data defining a plurality of digital audio/video data sets, the digital audio/video data sets including television clips, ***all of the digital television data is in a first data compression format and all of the digital audio/visual data sets are in a data compression format different from the first format;***  
a display configured to provide a list of a plurality of sets of the digital audio/video data sets; and  
a controller responsive to a user initiated selection signal to cause the memory to output a user selected one of the plurality of digital audio/video data sets selected from the list simultaneously with continued receipt of the broadcast digital television data, the selected one of the broadcast data service data plurality of sets having digital audio/video data in non-real time, the selection signal being provided at any time during receipt of the broadcast digital television data and independently of the broadcast digital television data and the controller is responsive at any time during receipt of the broadcast digital television data and independently of the broadcast digital television data to output said selected portion;  
wherein the processor converts the digital audio/video data of the plurality of sets of the broadcast data service data into real time audio/video data.

Tokunaga was cited by the outstanding Office Action as teaching the above highlighted feature. Tokunaga describes selecting a compression method on the basis of traffic on the network. However, as Tokunaga would choose different compression methods for different content based on the traffic as the content is sent, Tokunaga does not teach or

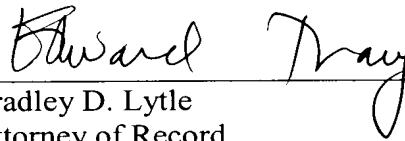
Application No. 09/630,971  
Reply to Office Action of June 16, 2009

suggest sending *all* of digital television data in a *first* data compression format and *all* of digital audio/visual data sets in a data compression format different from the first data compression format. Further, it is respectfully submitted that Hölzle, Winston, Russo, Kostreski, Trovato, and Inoue do not cure the noted deficiencies of Klosterman, Marshall, Arazi, and Tokunaga. Thus, amended Claim 1 (and Claims 2-16, 24, 25, 27, and 32 dependent therefrom) is patentable over the cited references.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 07/09)

Edward W. Tracy, Jr.  
Registration No. 47,998